



0000154851

BEFORE THE ARIZONA CORPORATION

Arizona Corporation Commission

DOCKETED

JUN 20 2014

COMMISSIONERS

BOB STUMP - Chairman  
GARY PIERCE  
BRENDA BURNS  
BOB BURNS  
SUSAN BITTER SMITH

DOCKETED BY

ne

IN THE MATTER OF THE ARIZONA  
CORPORATION COMMISSION, ON ITS  
OWN MOTION, TO ESTABLISH AN  
ARRAY OF PUBLIC RAIL/HIGHWAY  
GRADE CROSSINGS THROUGHOUT THE  
STATE OF ARIZONA.

DOCKET NO. RR-00000E-14-0068

DECISION NO. 74569

ORDER

Open Meeting  
June 10 and 11, 2014

Phoenix, Arizona

BY THE COMMISSION:

FINDINGS OF FACT

1. Arizona Revised Statutes (A.R.S.) Sections 40-337.02 and 40-337.03 relate to the allocation of funds for the installation of automatic warning signals and devices at public railroad grade crossings and the determination of locations where the installation of automatic warning signals should occur on that date.

2. A.R.S. Section 40-337.03 enables the Arizona Corporation Commission (Commission), which has the exclusive power to determine and prescribe the manner and terms of installation of warnings at each railway crossing pursuant to A.R.S. Section 40-337, to establish an array of public railroad grade crossings to plan for the orderly installation of automatic warning signals and devices.

3. Although numerous hazard index formulas have been proposed over many years to assess the relative hazard of a grade crossing based upon some combination of its characteristics, no one such formula, or combination thereof, has universal acceptance. The development of the array and the determination of the warnings to be installed at crossings also involve the exercise of judgment.

4. The array establishes crossings where the installation of automatic warning signals and devices should be considered in accordance with the above referenced legislation, depending upon the availability of monies, material, labor and other factors involved in such installation. The inclusion of a crossing on the array, however, does not mean that existing warning signs or signals, if any, are inadequate to enable an ordinary, prudent motorist to safely pass over the crossing. Conversely, a public crossing not appearing on the array does not exclude it from being improved under this program if it becomes an increased hazard to safety prior to the issuance of the next annual array.

5. The array first became effective on July 1, 1977. It is in the best interest of public safety, considering the current state and federal appropriations which have been allocated for the acquisition and installation of automatic warning signals and devices at public grade crossings in Arizona, for the array to be supplemented as provided herein.

6. In order to promote the timely installation of warning signals and crossing upgrades, Staff, with representatives of Arizona Department of Transportation and the Federal Highway Administration, have determined that an additional four (4) crossings should be placed on the 2014 array for upgrading.

7. Staff has recommended that the array approved by the Commission in Decision No. 74393 dated March 19, 2014, be reaffirmed and that the crossings listed in Attachment 1 be added to the array.

## CONCLUSIONS OF LAW

1. Some Public railway/highway grade crossings in Arizona are eligible to receive Federal funds for the installation of automatic warning signals and devices under the 23 U.S.C. § 130. These monies were appropriated in recognition of the public responsibility to improve safety at railway/highway crossings, and may be used to pay one hundred (100) percent of the total installation cost of each project.

2. Pursuant to the Commission's exclusive power over railway/highway crossings, the array shall establish the public grade crossings in Arizona at which changes in signalization may be made under A.R.S. Sections 40-337, *et seq.*

ORDER

THEREFORE, IT IS ORDERED that the array established in Decision No. 74393, as well as the crossings listed on Attachment 1, be and hereby is approved.

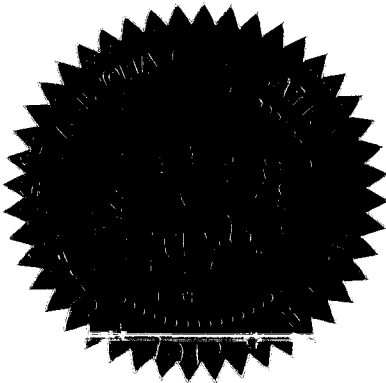
IT IS FURTHER ORDERED that this Decision shall become effective immediately.

**BY THE ORDER OF THE ARIZONA CORPORATION COMMISSION**
  
 CHAIRMAN

  
 COMMISSIONER

  
 COMMISSIONER

  
 COMMISSIONER

  
 COMMISSIONER


IN WITNESS WHEREOF, I, JODI JERICH, Executive Director of the Arizona Corporation Commission, have hereunto, set my hand and caused the official seal of this Commission to be affixed at the Capitol, in the City of Phoenix, this 20th day of June, 2014.

  
 JODI JERICH  
 EXECUTIVE DIRECTOR

DISSENT: \_\_\_\_\_

DISSENT: \_\_\_\_\_

1 SERVICE LIST FOR: 2014 Crossing Array  
2 DOCKET NO. RR-00000E-14-0068

3 Jason Pike  
4 Railroad Engineering Coordinator  
5 ADOT- Utilities and Railroad  
6 205 S. 7th Ave., Mail Drop 618E  
7 Phoenix, Az. 85007

8 Alex Popovici  
9 Union Pacific Railroad  
10 631 S. 7th Street  
11 Phoenix, AZ 85034

12 Anthony J. Hancock, Esq.  
13 Terrance L. Sims, Esq.  
14 Beaugureau, Zukowski & Hancock, P.C.  
15 302 East Coronado  
16 Phoenix, Arizona 85004  
17 Attorney for Union Pacific Railroad Company

18 Timothy Good  
19 Arizona Eastern Railroad  
20 5903 S. Calle De Loma  
21 P.O. Box 2200  
22 Claypool, Az. 85532

23 Tanya Cecil  
24 Arizona & California Railroad  
25 1301 California Ave.  
26 P.O. Box 3340  
27 Parker, Az. 85344  
28

## **ATTACHMENT 1**

# 2014 Array for Railroad-Highway Safety Projects in Arizona

Proposed by Arizona DOT - April 17, 2014

<u>DOT Number</u>	<u>RR</u>	<u>Location</u>	<u>Scope of Work</u>	<u>Estimated Costs (ADOT)</u>	<u>Exposure Index</u>
<b>Protective Devices</b>					
741 575 S	UPRR	Elliot & Kyrene (Tempe)	Gates, Cantilevers, Preemption	\$ 800,000	2220.30
742 368 B	AZER	Ragus Rd (Calypool)	Signals Update	\$ 250,000	41.96
<b>Subtotal</b>				<b>\$1,050,000</b>	
<b>Hazard Elimination</b>					
741 575 S	UPRR	Elliot & Kyrene (Tempe)	Concrete Crossing, Medians Sidewalk, Signal Preemption	\$ 500,000	10237.50
025 904 P	ARZC	Eagle Eye Ave (Aguila)	Concrete Crossing	\$ 200,000	900.00
742 368 B	AZER	Ragus Rd (Calypool)	Concrete Crossing, Sidewalk & Road Approach	\$ 150,000	236.10
742 268 W	AZER	Patterson Mesa (Pima)	Concrete Crossing	\$ 140,000	100.00
<b>Subtotal</b>				<b>\$ 990,000</b>	
<b>Total</b>				<b>\$2,040,000</b>	